

BEFORE THE ARIZONA BOARD OF OSTEOPATHIC  
EXAMINERS IN MEDICINE AND SURGERY

In the Matter of	)	
	)	
	)	AMENDED ORDER OF
JAMES W. MORSE, D.O.	)	PROBATION
	)	
Holder of License No. 280 for	)	
the Practice of Osteopathic	)	
<u>Medicine in the State of Arizona.)</u>		

This matter having come on regularly for probationary interview before the Arizona Board of Osteopathic Examiners in Medicine and Surgery on the 13th day of May, 1986, the licentiate, JAMES W. MORSE, D.O. (hereinafter Practitioner) holder of License No. 280 for the practice of osteopathic medicine in the State of Arizona, being duly noticed and appearing in person, and the Arizona Board of Osteopathic Examiners in Medicine and Surgery having conducted its probationary interviews of the Practitioner and having afforded him an opportunity to be heard on the issues before it, and having considered all the material evidence in the matter, and being fully advised, makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

I

The Arizona Board of Osteopathic Examiners in Medicine and Surgery is the duly constituted authority for the regulation and control of the practice of osteopathic medicine in the State of Arizona.

II

Practitioner is the holder of License No. 280 for the practice of osteopathic medicine in the State of Arizona.

III

By order dated January 17, 1986, Practitioner was placed on probation for not less than two years.

IV

Condition three of said Order provides that Practitioner must comply with all the statutes and rules and regulations of the Board.

V

During the period February 14, 1986 through March 21, 1986, Practitioner prescribed excessive amounts of dilaudid to a patient who he admitted he knew to be a drug addict.

CONCLUSIONS OF LAW

VI

The Arizona Board of Osteopathic Examiners in Medicine and Surgery has jurisdiction over the subject matter hereof and over the licentiate pursuant to A.R.S. 32-1803 and 32-1855.

VII

The conduct of Practitioner described in Paragraph V above constitutes unprofessional conduct as that term is defined in ARS 32-1854.A.6, prescribing, dispensing or administering controlled substances or prescription-only drugs for other than accepted therapeutic purposes, and ARS 32-1854.A.20, any conduct or practice contrary to recognized standards of ethics of the osteopathic medical profession or any conduct or practice which does or might constitute a danger to the health, welfare or safety of the patient or public.

VIII

The conduct of Practitioner described in Paragraph V above constitutes unprofessional conduct as that term is defined in ARS 32-1854.A.27, violation of formal order, probation or a stipulation issued by the Board under this chapter and is a violation of the terms and conditions of his probation.

IX

Pursuant to condition 4 of the order of probation and ARS 32-1855, grounds exist to take further action against Practitioner.

ORDER

IT IS THEREFORE ORDERED that Practitioners probation order of 17 January, 1986, be amended as follows:

1. Practitioner's probation will be for a period of not less than two years and is subject to the following terms and conditions:

a. Twenty charts will be chosen from Dr. Morse's office dated from this day forward for Board review at the August 1986 Board meeting.

b. Practitioner shall thereafter appear before the Board upon reasonable notice.

c. Practitioner must comply with all the statutes and rules and regulations of the Board.

d. Practitioner shall not prescribe, administer, dispense, order, or possess any controlled substances as defined in the State Controlled Substances Act.

e. Orders forbidding Practitioner from personal use or possession of controlled substances do not apply to medications lawfully prescribed to Practitioner for a bona fide illness or condition by another physician.

2. If Practitioner should fail to comply with all terms and conditions of this Order, then the Board may immediately suspend License No. 280 issued to JAMES W. MORSE, D.O., provided, however, that Practitioner shall be entitled to a subsequent hearing before the Board concerning only the issue of whether the terms of this Order have been violated.

3. Any violation of the Board's statutes, rules and regulations subsequent to this Order may be the basis for further disciplinary action.

4. Practitioner shall immediately surrender his Drug Enforcement Administration Certificate to prescribe or dispense controlled substances and shall immediately dispose of all such substances currently held in his possession in accordance with the laws of Arizona.

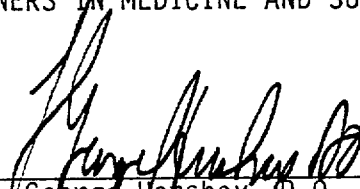
5. Pursuant to condition four of the January 17, 1986 order of probation, Practitioner is entitled to a hearing before the Board concerning only the issue of whether the terms of that Order have been violated. R4-22-11 provides that any request for rehearing be filed with the Arizona Board of Osteopathic Examiners, in writing, not later than 10 days after service of the decision. The grounds for rehearing must be specified.

ENTERED and effective this 15th day of May, 1986.

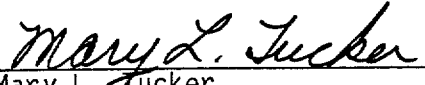
ARIZONA BOARD OF OSTEOPATHIC  
EXAMINERS IN MEDICINE AND SURGERY

S E A L

By

  
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President

By

  
Mary L. Tucker  
Executive Director